

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2020-3**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF AMENDMENTS TO
SECTIONS 16.16.010 & 17.100.040 OF THE NEW CASTLE MUNICIPAL
CODE CONCERNING THE APPLICATION PROCESS FOR SUBDIVISION
AND PUD DEVELOPMENT SKETCH PLANS.

WHEREAS, Chapter 16.16.010 of the Town of New Castle (“Town”) municipal code (“Code”) sets forth the provisions and regulations for sketch plans relevant to subdivision applications; and

WHEREAS, Chapter 17.100.040 of the Code sets forth the provisions and regulations for sketch plans relevant to Planned Unit Development (“PUD”) applications; and

WHEREAS, sketch plans provide an opportunity for the Town to review and comment on the level of conformance with Town regulations and requirements before significant expense is incurred by the developer; and

WHEREAS, Town staff has determined that the current sketch plan requirements within Sections 16.16.010 & 17.100.040 are inadequate for assessing an application’s initial level of conformance with Town regulations and requirements; and

WHEREAS, Town staff has developed proposed amendments to Sections 16.16.010 & 17.100.040 of the Code as set forth in the draft ordinance attached hereto as Exhibit A; and

WHEREAS; Town staff believes the proposed amendments will help staff, the Planning & Zoning Commission (“Commission”), and Town Council better evaluate proposed development at the sketch plan level and streamline and reduce issues at the preliminary and final review levels; and

WHEREAS, pursuant to section 17.92.030(B) of the Code, the Planning Commission held a public hearing on March 12, 2020, continued from February 26, 2020, to consider the proposed Code amendments; and

WHEREAS, based on the testimony and evidence presented at the hearing, the Commission now desires to recommend that Council approve the Code amendments set forth in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Council.

2. Recommendation. The Commission approves of the changes to Code Sections 16.16.010 & 17.100.040 set forth in Exhibit A and recommends that Town Council adopt the same.



TOWN OF NEW CASTLE, COLORADO,
PLANNING & ZONING COMMISSION

By:


Alison Bourquin, Vice-Chair

ATTEST:


Mindy Andis, Deputy Town Clerk, CMC

EXHIBIT A

Draft Ordinance

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2020-1**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING
SECTIONS 16.16.010 & 17.100.040 OF THE NEW CASTLE MUNICIPAL
CODE CONCERNING THE APPLICATION PROCESS FOR SUBDIVISION
AND PUD DEVELOPMENT SKETCH PLANS.**

WHEREAS, Chapter 16.16.010 of the Town of New Castle (“Town”) municipal code (“Code”) sets forth the provisions and regulations for sketch plans relevant to subdivision applications; and

WHEREAS, Chapter 17.100.040 of the Code sets forth the provisions and regulations for sketch plans relevant to Planned Unit Development (“PUD”) applications; and

WHEREAS, sketch plans provide an opportunity for the Town to review and comment on the level of conformance with Town regulations and requirements before significant expense is incurred by the developer; and

WHEREAS, Town staff has determined that the current sketch plan requirements within Sections 16.16.010 & 17.100.040 are inadequate for assessing an application’s initial level of conformance with Town regulations and requirements; and

WHEREAS, Town staff has developed proposed amendments to Sections 16.16.010 & 17.100.040 of the Code that it believes will help staff, the Planning Commission, and Town Council better evaluate proposed development at the sketch plan level and streamline and reduce issues at the preliminary and final review levels; and

WHEREAS, the Planning Commission (“Commission”) held a public hearing ~~on regarding the changes on February 26, 2020, which was continued to~~ March 11, 2020, ~~continued from February 26, 2020 and~~ approved Resolution PZ 2020-3 ~~in support of the proposed recommending approval of the~~ changes to Sections 16.16.010 & 17.100.040 of the Code; and

WHEREAS, the Town Council (“Council”) has considered the amendments to the Code set forth herein and now desires to approve the same.

NOW, THEREFORE, BE IT ORDAINED BY THE NEW CASTLE TOWN COUNCIL AS FOLLOWS:

1. **Recitals.** The foregoing recitals are incorporated by reference herein as findings and determinations of the Council.
2. **Section 16.16.010 Amendment.** Section 16.16.010 of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

16.16.010 – Sketch Plan Requirements.

A. Purpose

All subdivisions of a single lot into six (6) or more lots or condominium units shall be deemed a major subdivision per Section 16.04.020. Any major subdivision land use proposal shall generally require a 3-step subdivision plat review – sketch, preliminary, and final – unless granted an exemption by the Town Administrator. The sketch review will assess: initial compliance with the Town Code, provisions for utilities and infrastructure, substantial conformance to the Comprehensive Plan, and any adverse impacts to the Town. At this initial step, no formal approvals are made. In instances of combined PUD/Subdivision development applications, both sketch plans shall be processed concurrently pursuant to 17.100.030.

B. Pre-Application Meeting

Prior to submission of a sketch plan application, the applicant and the Town Administrator or designated Town staff will conduct a pre-application meeting. Pre-application meetings are non-binding for all parties but are an opportunity for the Applicant to receive initial feedback about Code requirements and the Town's application process. At the pre-application meeting, the applicant shall provide a description of the project, conceptual drawings identifying proposed uses, zonings, and densities, and any additional information requested by the Town Administrator. A subsequent pre-application meeting may be required by the Town Administrator if a complete sketch plan application is not submitted within six (6) months of the initial pre-application meeting. The Town Administrator may waive the pre-application meeting for good cause upon request from the applicant or otherwise at the discretion of the Town Administrator (A1).

C. Sketch Plan Submittal

The sketch plan application shall include the following:

1. Narrative of proposed development;
2. Topography;
3. Estimated number of residents, occupants, or employees, as applicable;
4. Water & sewer loads;
5. Number of dwelling units and/or non-residential square footage, including the number of bedrooms in any multi-family units;
6. Size of site;
7. Lot Sizes;
8. Density;
9. Approved & proposed land uses;
10. Location of proposed public and semi-public uses (dedicated and otherwise);
11. General traffic circulation: plan showing entries and exits, roads, anticipated turning movements into and within the development area, etc.;
12. Open space, trails, sidewalks, and/or parks, and other amenities; and

13. Site Plan showing approximate lot lines and general site layout, including the location of any existing structures; and;

~~13.~~ 14. Viewshed analysis

All application materials shall be submitted in electronic format. Upon receipt of the electronic materials, the Town Administrator or designated Town staff will determine the number of paper copies applicant will be required to provide.

D. Completeness Determination

A completeness determination of the application will be made within thirty (30) days after submission of the initial application materials. An application is deemed complete once all fees, signed documentation, and necessary review materials from section C are furnished. If the application is deemed incomplete, the applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete.

E. Review Process

The sketch plan application will be reviewed by both the Planning Commission and Town Council. The Applicant will be scheduled with the Planning Commission on the first available meeting date at least fifteen (15) days after the date that the sketch plat application is deemed complete pursuant to Section D, above. The application will be evaluated according to the following review topics:

- Consistency with the comprehensive plan;
- Compliance with zoning and density requirements;
- Compatibility to neighboring land uses;
- Availability of Town services from public works, fire, and police;
- Vehicle, bicycle, and pedestrian circulation; and
- Preservation of the natural character of the land;

The Commission shall direct any recommendations for the application to Council. At the first available meeting date after the Commission's review, the sketch plan shall be presented to Council with any comments and recommendations from the Commission and staff members. Council may make further comments and recommendations upon review of the application. Afterwards, the Applicant may elect either: 1.) to make revisions to the sketch plan for further review, or 2.) proceed directly to the preliminary application phase.

F. Duration of Sketch Plan

The sketch plan review conducted pursuant to this Section 16.16.010 will remain in effect for one year from the date Town Council reviews the application. If the applicant does not submit a preliminary plat application within said year, applicant may be required to submit a new sketch plan application before filing a preliminary plat application. Similarly, if applicant's preliminary plat application includes substantial and material (e.g. proposes new uses, higher density development, new or additional variances, etc.) changes from the original sketch plan, the Town Administrator may require the applicant to conduct a new sketch plan review.

3. Section 17.100.040 Amendment. Section 17.100.040 of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

17.100.040 - Sketch Plan Requirements.

A. Purpose

Any PUD land use proposal shall generally require a 3-step review – sketch, preliminary, and final – unless granted an exemption by the Town Administrator. The sketch review will assess: initial compliance with the Town Code, provisions for utilities and infrastructure, substantial conformance to the Comprehensive Plan, and any adverse impacts to the Town. At this initial step, no formal approvals are made. In instances of combined PUD/Subdivision development applications, both sketch plans shall be processed concurrently pursuant to 17.100.030.

B. Pre-Application Meeting

Prior to submission of a sketch plan application, the applicant and the Town Administrator or designated Town staff will conduct a pre-application meeting. Pre-application meetings are non-binding for all parties, but are an opportunity for the Applicant to receive initial feedback about Code requirements and the Town's application process. At the pre-application meeting, the applicant shall provide a description of the project, conceptual drawings identifying proposed uses, zoning, and densities, and any additional information requested by the Town Administrator. A subsequent pre-application meeting may be required by the Town Administrator if a complete sketch plan application is not submitted within six (6) months of the initial pre-application meeting. The Town Administrator may waive the pre-application meeting for good cause upon request from the applicant or otherwise at the discretion of the Town Administrator^(A2).

C. Sketch Plan Submittal

The sketch plan application shall include the following:

1. Narrative of proposed development;
2. Topography;
3. Estimated number of residents or employees, as applicable;
4. Water & sewer loads;
5. Number of dwelling units and/or non-residential square footage, and the number of bedrooms in any multi-family residential unit;
6. Size of site;
7. Lot Sizes;
8. Density;
9. Approved & proposed land uses;
10. Location of proposed public and semi-public uses (dedicated and otherwise);
11. General traffic circulation: showing entries and exits, roads, anticipated turning movements into and within the development area, etc.;
12. Open space, trails, sidewalks, and/or parks, and other amenities; and
13. Site Plan showing approximate lot lines and general site layout, including the location of any existing structures; and
- ~~13-14.~~ Viewshed analysis

All application materials shall be submitted in electronic format. Upon receipt of the electronic materials, the Town Administrator or designated Town staff will determine the number of paper copies applicant will be required to provide.

D. Completeness Determination

A completeness determination of the application will be made within thirty (30) days after submission of the initial application materials. An application is deemed complete once all fees, signed documentation, and necessary review materials from section C are furnished. If the application is deemed incomplete, the applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete.

E. Review Process

The sketch plan application will be reviewed by both the Planning Commission and Town Council. The Applicant will be scheduled with the Planning Commission on the first available meeting date at least fifteen (15) days after the date that the sketch plan application is deemed complete pursuant to Section D, above. The application will be evaluated according to the following review topics:

- Consistency with the comprehensive plan;
- Compatibility of proposed zoning, density, and general development plan to neighboring land uses and applicable Town Code provisions;
- Availability of Town services from public works, fire, and police;
- Vehicle, bicycle, and pedestrian circulation; and
- Preservation of the natural character of the land;

The Commission shall direct any recommendations for the application to Council. At the first available meeting date after the Commission's review, the sketch plan shall be presented to Council with a summary of the comments and recommendations from the Commission and staff members. Council may make further comments and recommendations upon review of the application. Afterwards, the Applicant may elect either: 1.) to make revisions to the sketch plan for further review, or 2.) proceed directly to the preliminary application phase.

F. Community Open House

Prior to submitting a preliminary plan application, the Applicant shall conduct a community open house meeting regarding the ~~sketch [A3]plan, and any changes thereto~~ recommended by the ~~Town[A4], and any other changes made to the proposed development in anticipation of submitting a preliminary PUD development plan.~~ The open house is an occasion to share the project directly with residents and stakeholders. The Applicant shall notify the Town of the date of the community open house, and notice the community open house according to the Town's public hearing notice procedures set forth in Section 16.08.040, except that notice to mineral owners is not required. ~~property owners within 250 feet of the proposed development by mail at least 15 days prior to the open house.~~

G. Duration of Sketch Plan

The sketch plan review conducted pursuant to this Section 17.100.040 will remain in effect for one year from the date Town Council reviews the application. If applicant does not submit a preliminary PUD plan application within said year, applicant may be required to submit a new sketch plan application before filing a preliminary plan application. Similarly, if applicant's preliminary PUD plan application includes substantial and material (e.g. proposes new uses, higher density development, new or additional variances, etc.) changes from the original sketch plan, the Town Administrator may require the applicant to conduct a new sketch plan review.

4. **Effective Date.** This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on ~~January 21, 2020~~ March 17, 2020, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on ~~February 4, 2020~~ April 7, 2020, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: _____
Art Riddle, Mayor

ATTEST:

Melody Harrison, Town Clerk